

REMARKS

Claims 1, 2, 4-19, 21-24, 26, and 27 are pending in the application. Claims 3, 20, and 25 were canceled previously. Claims 1 and 19 are the only independent claims.

Specification

The Examiner objects under 35 U.S.C. § 132(a) to the Amendment filed 1/7/2008 on the grounds that it introduces new matter into the disclosure. In particular, the Examiner points out that amended Paragraph 0084 recites a plurality of cavities or chambers connected to one another using a branching channel structure. The Examiner further points out that the original disclosure discloses only a plurality of cavities or chambers connected in series.

In response to the Examiner's objection to the Amendment filed 1/7/2008, applicants amend Paragraph 0084 herein to more specifically describe what is disclosed in the original drawings, pursuant to the Examiner's observations. Rather than the connecting of a plurality of cavities or chambers to each other by a branching channel structure, Paragraph 0084 as amended herein recites that "[c]avities 204 are connected *in series* to one another and *a first or most upstream cavity 204 is connected* to a pair of tube receptacles or grooves 208 and 210 by a branching channel structure or series of channel segments 212...." The present amendment of Paragraph 0084 makes the same description of cavities 206.

Paragraph 0084 is now believed to set forth an accurate description of the original disclosure.

Claims Rejections - 35 U.S.C. § 112

Claims 19, 21-24, 26 and 27 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner specifically maintains that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Examiner points out that the originally filed disclosure does not include support for the invention as set forth in previously amended claim 19. That version of claim 19 requires that a plurality of detection chambers are connected to one another using a branching channel structure including at least one large inflow groove or trench and a substantially smaller channel extending from the inflow groove or trench to the detection chambers. The Examiner observes that while Figure 1 shows a plurality of detection chambers connected to one another, only the first and last chambers include a branching channel structure including at least one large inflow groove or trench and a substantially smaller channel.

In response to the rejection of claim 19 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement, applicants have amended claim 19 herein to conform to the Examiner's observations as to the scope and content of the original disclosure. In particular, claim 19 has been amended herein to describe a plurality of detection chambers connected to one another using a branching channel structure including at least one large inflow groove or trench and a substantially smaller

channel extending from said inflow groove or trench to *a first or most upstream one of* the detection chambers.

Claims Rejections - Double Patenting

Claims 1-4, 7-19, 21, 24, 16, and 27 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,716,620.

Claims 5, 6, 22, and 23 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,716,620 in view of U.S. Patent No. 6,576,459 to Miles et al.

In response to the rejection of claims 1-4, 7-19, 21, 24, 16, and 27 and claims 5, 6, 22, and 23 under the judicially created doctrine of obviousness type double patenting, applicants submit herewith a Terminal Disclaimer duly executed by the undersigned attorney of record for applicant. (This Terminal Disclaimer had been prepared for submission with the Amendment of 1/7/2008 but was inadvertently omitted.)

A check in the amount of Sixty-Five Dollars (\$65) is enclosed herewith in payment of the small-entity fee for submission of a Statutory or Terminal Disclaimer. Small entity status applies.

Claims Rejections - 35 U.S.C. § 103

Claims 5, 6, 22, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,716,620 to Bashir et al. in view of U.S. Patent No. 6,576,459 to Miles.

In response to the rejection of claims 5, 6, 22, and 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,716,620 to Bashir et al. in view of U.S. Patent

No. 6,576,459 to Miles, applicants submit herewith a Declaration under 37 C.F.R. 1.130 averring that the present application and U.S. Patent No. 6,716,620 are currently owned by the same party and that the inventors of the present application are the prior inventors under 35 U.S.C. § 104. (Again, the Declaration under 37 C.F.R. 1.130 had been prepared for submission with the Amendment of 1/7/2008 but was inadvertently omitted.)

The claim amendments, if any, made herein are made without prejudice to applicants' right to pursue additional subject matter in a separate continuation or divisional application.


Conclusion

For the foregoing reasons, independent claims 1 and 19, as well as the claims dependent therefrom, are deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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